IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

Bail Appl..No. 6227 of 2007()

CRIME NO.541/07 OF FORT POLICE STATION, TRIVANDRUM

: PETITIONERS/ACCUSED NO.1 & 2

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1. DR.SATHEESH KUMAR AGED 46 YEARS,
   S/O LATE DR.P.G.KURUP, FLAT NO.1A-1,
   TOUCH STONE APPARTMENTS, MATHRUBHOOMI ROAD,
   VANCHIYOOR, TRIVANDRUM.

2. S.SHYMALA KURUP, AGED 74 YEARS,
   W/O LATE DR.P.G.KURUP,
   SUSHAMA, VANCHIYOOR, TRIVANDRUM.

BY ADV. SRI.PRADEESH CHACKO

RESPONDENTS: COMPLAINAT

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1. SUB INSPECTOR OF POLICE,
   FORT POLICE STATION,
   EAST FORT, TRIVANDRUM.

2. STATE OF KERALA REPRESENTED BY
   PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6227 of 2007

Dated this the 16th day of October, 2007

ORDER

Application for anticipatory bail. Petitioners are the husband and mother in law of the defacto complainant. The mother in law is aged about 74 years. Marriage took place in 2001. The spouses are both medical practitioners. The defacto complainant has alleged that the petitioners are guilty of matrimonial cruelty of the culpable variety under Section 498 A I.P.C against her.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied, in the facts and circumstances of this case, that anticipatory bail can be granted to the petitioners subject to appropriate conditions, which shall safeguard the interests of a fair, efficient and expeditious investigation.

3. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 23.10.07. They shall be enlarged on regular bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 24.10.2007 and 25.10.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of one month. Subsequently the petitioners shall make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 23.10.07 as directed in clause (1) above, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each without any sureties undertaking to appear before the learned Magistrate on 23.10.07.

(R.BASANT, JUDGE)

rtr/-